

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR.

ORDER

Mahendra Singh. Versus M/s. Vinod Kumar & ors.

S.B. Criminal Misc. Petition No. 1427/2006
against the order dated 7-10-2006 passed
by the Sessions Judge, Hanumangarh, in
Criminal Revision No. 85/2005.

...

Date of Order: November 10, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. V.S. Chadwas, for the petitioner.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.

BY THE COURT:

Heard learned counsel for the petitioner. Perused the order impugned dated 7-10-2006 passed by the Sessions Judge, Hanumangarh (for short, "the Revisional Court" hereinafter) in Criminal Revision No.85/2005, whereby the revision petition filed by the petitioner against the order dated 21-4-2005 passed by the Judicial Magistrate, Pilibanga (for short, "the trial Court" hereinafter) was dismissed.

By an application under Section 311 Cr.P.C., the petitioner sought summoning of record and calling the bank officer of State Bank of Bikaner & Jaipur, Goluwala Branch. The trial Court, by a well-reasoned order, dismissed the application.

The Revisional Court, on examination of the record, did not find any error in the order of the trial Court and made it clear that if the petitioner wishes to file any document, he can obtain a copy of the document from the bank and calling of the bank officer was not found warranted in the instant case.

Since both the Courts below concurrently did not find any case for calling the bank officer and summoning the bank record, in my view, it cannot be said that the order impugned would result in serious miscarriage of justice or abuse of process of the Court.

The criminal miscellaneous petition is, therefore, dismissed.

(H.R. PANWAR), J.

mcs